

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

2. Claims 1-5 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Masahiro Nakano, US Patent Publication No. 2002/0147988 (hereinafter Nakano).

Regarding claim 1, Nakano discloses as claimed:

An information apparatus (Figures 7 element 10), comprising: a determination unit which determines a presence/absence of a received mail message via a network (Figures 7 element 38; paragraph [54]); and a control unit which acquires and stores, when the determination unit determines the presence of the received mail message, the received mail message in a storage medium (Figures 7 element 40; paragraph [0051]), and outputs video data which contains image

information to notify of a fact of mail reception from a video output terminal to a television receiver. (Figures 7 element 12; paragraph [0054])

Claim 2: The apparatus according to claim 1, wherein the control unit transmits information indicating the fact of mail reception to a computer corresponding to a destination user of the received mail message via a network. (Rejected as claim 1, i.e. E-mail server 40 serves this purpose)

Claim 3: The apparatus according to claim 1, further comprising a display unit which displays information, the control unit being capable of displaying information indicating the fact of mail reception on the display unit. (Rejected as claim 1, served by TV 12)

Claim 4: The apparatus according to claim 1, further comprising a television tuner (inherent in TV 12) which receives and processes broadcast program data (paragraph [0054]), the control unit being capable of outputting, to the television receiver, video data generated by superimposing the image information at a predetermined position on an image of the broadcast program data. (Rejected as claim 1, paragraph [0054], i.e., tiny portion of TV screen is preserved for E-mail notification)

Claim 5: The apparatus according to claim 1, wherein the image information contains a message or icon. (Rejected as claim 1; Figures 6, icons 60; paragraph [0062])

Claims 8 through 12 are further rejected by the same analysis as claims 1 through 5.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (See ***MPEP Ch. 2141***)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

7. Claims 6, 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano, in view of T. Ito et al., US Patent number 5,671,354 (hereinafter Ito).

Regarding claim 6, Nakano discloses substantially as claimed:

The apparatus according to claim 1 (Figure 3,7, and 8; element 10), further comprising a browse processing unit (element 34) which executes a user authentication process in response to an input operation corresponding to a browse request of the received mail message, reads out information of the received mail message for a corresponding user from the storage medium in accordance with an authentication result, and outputs video data containing the read-out information to the television receiver. (Paragraphs [0051], and [0052]).

Nakano does not explicitly disclose “user authentication process”, though it could be argued that user authentication would have been implied and necessitated in any network services (such as E-mail). However, Ito (Figure 1, elements 1, 4, and 5; Column 3, lines 50-67; Column 4, lines 1-11) teaches, explicitly, user authentication. Therefore, the combination of Nakano and Ito as a whole would have rendered obvious to one of ordinary skills in art what is claimed in claim 6.

Claims 7, 13, and 14 are rejected by the same analysis as applied to claim 6.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Marandi whose telephone number is (571) 270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Marandi/

/Vu Le/
Supervisory Patent Examiner, Art Unit 4157
Patent Training Academy